

E-Filed 7/23/08

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON SUBLET,

Defendant.

Case Number CR 05-443 JF (HRL)

ORDER REQUESTING RESPONSE
FROM UNITED STATES

In July, 2006, this Court entered judgment against Defendant pursuant to a plea agreement and sentenced him to eighty-four months imprisonment. Subsequently, Defendant was charged with violations of state law; the Santa Clara Superior Court entered judgment against Defendant on those charges pursuant to a plea agreement, and sentenced him to three years imprisonment. It is clear from the transcript of the state court proceeding that the trial judge intended the three year term of imprisonment arising from the state conviction to run concurrently with the eighty-four month term of imprisonment arising from the federal conviction. However, following Defendant's transfer from the California Department of Corrections to the Federal Bureau of Prisons ("BOP"), it became clear that the BOP was treating the federal term of imprisonment as consecutive to the state term of imprisonment.

1 Defendant has written a letter to the Court, requesting review of his sentence. The BOP
2 has responded with a letter of its own, requesting guidance from this Court as to whether the
3 BOP should grant a retroactive concurrent designation in Defendant's case.

4 The United States is directed to file a brief setting forth its position. Such brief shall be
5 filed on or before August 22, 2008.

6 IT IS SO ORDERED.

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9 DATED: 7/23/08

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12 JEREMY FOGEL
13 United States District Judge
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Copies of this Order were served on the following parties:

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